



## Papua New Guinea

### Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

Papua New Guinea has a federal parliamentary system, based on universal adult suffrage with periodic free and fair elections. The judiciary is independent.

The Government has constitutional authority over the Defense Force, the Royal Papua New Guinea Constabulary, and the National Intelligence Organization. A brief mutiny in March by members of the Defense Force over proposed reforms ended with the proposed reforms dropped, stolen weapons returned, and amnesty accorded to the mutineers; reforms have been revised and reinstituted. Members of the constabulary committed serious human rights abuses.

The population is just over 5.1 million, and there are more than 800 distinct indigenous languages. The economy relies heavily on the export of minerals, hydrocarbons, tropical timber, and tree crops such as coffee, cocoa, and copra; national income is sensitive to changes in world commodity prices. During the year, the national currency, the kina, continued to weaken in foreign exchange markets although domestic inflation fell below 10 percent for the first time in 3 years. Persistent macroeconomic stagnation mainly was a result of external factors, such as low commodity prices. Crime, especially in urban areas, is a critical problem. Approximately 85 percent of the population resides in isolated villages and engages in subsistence and smallholder agriculture. Poor performances by the public health and education systems are among the country's most important challenges. For a majority of citizens, income and educational levels are low, and infant and maternal mortality rates are high.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police committed arbitrary or unlawful deprivations of life, used excessive force, such as beatings, when arresting and interrogating suspects, and engaged in excessively punitive and violent raids. The Government on occasion investigated allegations of abuse and prosecuted those believed responsible. Prison conditions in several geographic areas continued to be poor. Court understaffing reduced the number of court hearings and increased pretrial detention periods for many persons. Police infringed on citizens' privacy rights. The Government continued to limit freedom of assembly in the form of marches or demonstrations. Extensive violence and discrimination against women were problems, and abuse of children appeared to be growing. Discrimination against persons with disabilities persisted, and violence between tribes remained a serious problem.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

The police killed several persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. However, in one case, a suspected criminal in police custody was beaten to death by police officers; no action was taken against the police. Other similar incidents have been reported.

On June 26, police officers fired weapons during demonstrations organized by university students in Port Moresby (see Section 2.b.). Four persons died of gunshot wounds, and approximately 20 persons were injured. The Government imposed a nighttime curfew in Port Moresby for the following 2 months. The

Government also ordered an independent inquiry into the shootings by a former judge. At year's end, the results of the inquiry had not been released to the public.

In 2000 police beat a youth to death in front of bystanders in Port Moresby and, in another Port Moresby case, the police apprehended an intoxicated man whose corpse subsequently was discovered in an isolated area. During the year, no action was taken against the police in these cases.

All police shootings are investigated by the police department's internal affairs office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police in such circumstances also may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations also are investigated and reviewed by a coroner's court.

No human rights violations were reported in connection with military operations during the year. Although four soldiers suspected of complicity in the killing of Bougainville Transitional Government Premier Theodore Miriung in 1996 were questioned by police in 1999, no arrests were made and no further progress has been reported. In August several members of Parliament called on the Government to resolve the case; however, at year's end, the Government had made no response.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and other cruel or degrading treatment or punishment; however, police often beat suspects during arrests, interrogations, and while suspects are held in custody awaiting trial. Although abuses in previous years such as citizens being permitted to beat suspects and the rape of female detainees by police reportedly did not occur during the year, no action was taken against offenders in previous cases.

Prison conditions are poor. The prison system suffers from serious underfunding, which results in the deterioration of infrastructure and the poor delivery of services. Prisons closed in 2000 because of life-threatening conditions remain closed, and there has been no new construction. There were no reports of deaths in prisons. Male and female inmates are housed separately. Prisoners are often confined in crowded conditions in police stations. Some prisons are seriously overcrowded, most frequently in urban areas. Prison guards' living conditions are as poor as those of the prisoners. During the year, there were several prison escapes, and there were approximately 200 escaped prisoners nationwide at year's end. For example, on September 25, 62 prisoners escaped from the Bomana jail near Port Moresby; approximately half have been recaptured. Forty-eight of the escaped prisoners were being held on remand while awaiting trial. According to government officials, in 17 of 20 prisons nationwide, the number of detainees on remand equaled or exceeded the number of convicted prisoners. Overcrowding is exacerbated in rural areas by infrequent court sessions and bail restrictions for certain crimes (see Section 1.d.).

The Government permits prison visits by human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The courts generally enforce constitutional protections against arbitrary arrest and detention. Under the law, only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Suspects who are arrested have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review.

Due to limited police and judicial resources and a high crime rate, suspects often are held in pretrial detention for long periods of time. Pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level. However, cases frequently are delayed for months awaiting results of police investigations. Additionally, circuit court sittings were infrequent because of a shortage of judges and funds, delaying both the trial process and the rendering of decisions. Some detainees have been held in jail for more than 2 years because of the shortage of judges. During the year, the Government increased the number of full-time judges and took steps to expand training of the judiciary.

Forced exile is prohibited by the Constitution and is not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There also are village courts headed by lay persons, who judge minor offenses under both customary and statutory law.

The legal system is based on English common law. The Constitution provides for due process, including a public trial, and the court system generally enforces these provisions. Defendants have the right to an attorney. Legal counsel is provided by the Public Solicitor's office for those accused of "serious offenses" who are unable to afford counsel. Serious offenses are defined as charges for which a sentence of 2 years or more is the norm. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges creates delays both in the process of trials and in the rendering of decisions (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such action; however, there were instances of abuse. In January 2000, heavily armed police searched the home of a man accused of a nonviolent offense. Subsequently, the court agreed that the search was politically inspired and police methods were excessive and contrary to constitutional protections of privacy; however, no action was taken against the police during the year. Although provisions in the Constitution require warrants, the police continued to conduct warrantless searches and raids. Paramilitary police units operating in highlands regions use intimidation and destruction of property to suppress tribal fighting (see Section 5). The extent of such tribal fighting is unknown, and many incidents are not reported. More than 20 persons were killed in tribal fighting in the Southern Highlands during December.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

The media provided independent coverage and analysis of major issues, including accusations of corruption in government and excessive use of force by police officers.

The combined circulation of 2 daily English-language newspapers is less than 60,000. Two weekly newspapers, one in English and one in Melanesian Pidgin (the national lingua franca), also are published. All freely express a variety of editorial viewpoints and report on controversial issues such as alleged abuses by police, cases of alleged corruption by government officials, and political opposition views. A foreign firm with extensive timber interests owns one of the dailies; the newspaper's coverage of logging and forestry is one-sided, but it generally is independent and unbiased on other issues.

The television broadcasting company, EMTV, is government controlled; however, two cable companies are independent. Television reception is limited mostly to the capital and provincial centers. The government-owned National Broadcasting Corporation owns two radio networks whose effectiveness is limited by inadequate funding and deteriorating equipment. A privately owned radio network, NAU-FM, is popular in Port Moresby and is expanding to other areas of the country. There are local radio stations in cities other than Port Moresby.

The Internet is becoming common in cities; it is privately operated.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limits this right in practice. Public demonstrations require police approval and 14-days' notice. Police assert that they fear violence from unruly spectators and rarely give approval. On June 26, police fired on students during a demonstration (see Section 1.a.).

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Associations that wish to open a bank account and conduct financial transactions are required to register for this purpose. The process of registration may be slowed by bureaucratic inefficiency, but there is no policy of denying registration. International affiliation of church and civic groups is permitted freely.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

It is the policy of the Department of Education to set aside 1 hour per week for religious instruction in the public schools. Church representatives teach the lessons, and the students attend the class operated by the church of their parents' choice. Children whose parents do not wish them to attend the classes are excused.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice.

In August the Government signed a peace agreement with Bougainville militants. Movement within Bougainville and between Bougainville and the rest of the country is unrestricted. Persons displaced by the civil war are free to return to their homes.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted enabling legislation. A reservation to the Convention regarding the issuance of travel documents restricted the travel of some Irian Jayans residing in a refugee camp in the western part of the country; there are 340 persons from Irian Jaya living in a camp in Vanimo, near the Indonesian border. The Government cooperates with the U.N. High Commissioner for Refugees and has not forced any persons to return to countries where they feared persecution. During the year, the Government provided first asylum for several hundred persons who fled from the neighboring Indonesian province of Irian Jaya (also known as West Papua). Several hundred more live in informal, unrecognized camps adjacent to the border with Indonesia. The Government cooperates with the UNHCR in assisting the Irian Jayans who live in the East Awin refugee camp in Western Province and has administered the camp since 1996, when the UNHCR office closed. The UNHCR began to reduce the scale of its operations in Western Province in 1999 and coordinates the voluntary return of refugees to their homes in Irian Jaya. The Government has a policy of limited integration for Irian Jayans with certain skills or other qualifications. These Irian Jayans are accorded limited residency status and are permitted to leave the refugee settlement. Those who violate conditions of their residency can be repatriated. There were no known forced repatriations of Irian Jayans to Indonesia. Several thousand persons live in tribes along the borders and move freely between the two countries.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. Any citizen may stand for election. Because of the high number of candidates for Parliament, some members have won election with less than 10 percent of the total votes cast.

The last general election was held in June 1997. Of the 109 seats in Parliament, 55 seats changed hands. A coalition government, led by Prime Minister Bill Skate, was formed following the election. In July 1999, faced with the threat of a vote of no confidence, Prime Minister Skate resigned, and the Parliament subsequently elected Sir Mekere Morauta as Prime Minister.

The law provides that a losing candidate may dispute the election of the winning candidate by filing a petition with the National Court. Such petitions may question actions of the candidate and his supporters or allege malfeasance by the election officials. The procedure is fair, but is time consuming and expensive both to

initiate and to defend. Following the 1997 election, 88 such petitions were filed. The majority of complaints were made against winning candidates or their supporters. The court accepted 40 of the petitions for trial; however, at year's end, there had been no decisions.

Although there are no legal barriers to the participation of women in political life, the percentage of women in government and politics does not correspond to their percentage of the population. Two women were elected to the 109-member Parliament in the 1997 elections.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no official barriers to the formation of human rights groups. The Government cooperates with human rights nongovernmental organizations (NGO's) both domestic and international, but at times is slow in responding to their requests for information. The International and Community Rights Advocacy Forum, formed in 1993, concentrated on human rights and the environment during the year.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Despite these constitutional and other legal provisions, women often face discrimination.

Extreme geographic diversity prevents any one tribe or clan from dominating the country. The democratically elected government, based on loose coalitions, consistently has avoided favoring any group. Skirmishes and conflicts tend to be based on disputes between clans over issues such as boundaries, land ownership, injuries, and insults suffered by one clan at the hands of another; they are not ethnically based. In the past, clan and tribal warfare was ritualized and fought with traditional weapons; the availability of firearms has made such conflicts deadlier.

#### Women

Violence against women, including domestic violence and gang rape, is a serious and prevalent problem. Domestic violence is common and is a crime. However, since most communities view domestic violence as a private matter, and few victims press charges, prosecutions are rare. Traditional village mores, which served as deterrents, are weakening and largely are absent when youths move from their village to a larger town or to the capital. Although rape is punishable by imprisonment, and sentences are imposed when assailants are found guilty, few assailants are apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution makes the crime difficult to combat.

Violence committed against women by other women frequently stems from domestic disputes. In areas where polygyny still is customary, an increasing number of women have been charged with the murder of another of their husband's wives. According to one report, 65 percent of women in prison are there for attacking or killing another woman.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women have achieved senior positions in business, the professions, and civil service. However, traditional patterns of discrimination against women persist. Many women, even in urban areas, are considered second-class citizens. Village courts tend to impose jail terms on women found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. The law requires that orders for imprisonment be endorsed by a district court before they take effect.

Polygyny and the custom of paying a bride price tend to reinforce the view that women are property. In addition to the purchase of women as brides, women also sometimes are given as compensation to settle disputes between clans. The courts have ruled that such settlements are a denial of the women's constitutional rights.

According to statistics published in the U.N. Development Program's 1999 report on human development, women are gaining rapidly in literacy and education. Adult literacy has risen to 73 percent; 65 percent of women are literate, compared with 86 percent of men; however, there are 15 percent fewer girls in primary schools than boys. Maternal mortality levels remain relatively high at 930 deaths per 100,000 live births.

Prostitution is not legal; however, the laws are not enforced and the practice is widespread. Although sex

tourism exists, it is not considered to be a problem.

Sexual harassment is not illegal, and it is a widespread problem.

There is an Office of Women's Affairs in the Office of Church and Family Services of the Ministry of Provincial Affairs. It was active during the year; however, it had little effect on the Government's policy toward women.

#### Children

The Government does not dedicate significant resources to protecting the rights and welfare of children. Most programs to protect and develop youth and children are operated by NGO's and religious organizations. Many government programs are underfunded. In the past, children were well cared for within the family and under traditional clan and village controls. However, preliminary, small-scale studies indicate that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood. According to a report prepared by the Government and UNICEF, sexual abuse of children is believed to be prevalent. Because of the geographic isolation and remoteness of many villages, malnutrition and infant mortality rates are very high. More than 60 of every 1,000 children born do not survive their first year.

Primary education is not free, compulsory, or universal. Substantial fees are charged. Approximately 80 percent of children attend primary school; many do not progress further. Boys and girls are represented equally; generally all children in a family attend school or none attend.

The Government provides free medical care for its citizens, including children. However, facilities and resources are very limited, particularly in rural areas, and many children do not have effective medical care.

#### Persons with Disabilities

Through the National Board for the Disabled, the Government provides funds to a number of NGO's that provide services to persons with disabilities. The Government does not provide programs or services directly. Services and health care for persons with disabilities, except for those provided by the traditional clan and family system, do not exist in several of the country's provinces. There is no legislation mandating accessibility. Persons with disabilities face discrimination in education, training, and employment. Most persons with disabilities do not find training or work outside the family structure.

The Government provides free consultation and treatment for persons with mental disabilities; however, such services are rarely available outside major cities.

#### National/Racial/Ethnic Minorities

Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement occasionally result in violent tribal conflict in the highland areas. The number of deaths in the last few years has risen due to the availability of modern weapons.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides for the right to form and join labor unions, subject to registration by the Department of Industrial Relations. The Government does not use registration to control unions. However, an unregistered union has no legal standing with the Department of Labor and Employment or before the courts and thus cannot operate effectively. About half of the 250,000 wage earners in the formal economy are organized and are members of approximately 50 trade unions. Most of the unions representing private-sector workers are associated with the Trade Unions Congress. The Public Employees Association represents an estimated 23,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. Unions are independent of the Government and of political parties.

There were no government efforts to hinder either public or private sector unions from exercising their right to strike. The law prohibits retaliation against strikers; however, it is not enforced always. Employees of some government-owned enterprises went on strike on several occasions this year, primarily to protest against privatization policies. These strikes, such as the action against the PNG Banking Corporation, in August were

brief and ineffective.

Unions may affiliate freely with international organizations, and they have done so.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to engage in collective bargaining and to join industrial organizations. These rights are exercised freely. Under the law, the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. This law was criticized by the International Labor Organization (ILO). The law prohibits antiunion discrimination by employers against union leaders, members, and organizers; however, it is selectively enforced. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage are set through negotiations between employers and employees or their respective industrial organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and all forms of forced, compulsory, or bonded labor, including that performed by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The Employment Act establishes the minimum working age as 18. However, children between the ages of 11 and 18 may be employed in a family-related business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment is rare, except in subsistence agriculture.

The Government has not ratified ILO Convention 182 on the worst forms of child labor. It has no comprehensive policy on the problem; however, child labor other than in family subsistence agriculture or enterprises is rare.

Forced and bonded labor by children is prohibited and is not known to occur.

e. Acceptable Conditions of Work

Minimum wages for the private sector are set by the Minimum Wage Board, a quasi-governmental body with labor and employer representatives. The minimum wage for newly hired urban workers is the same as the minimum wage for rural workers. The national youth wage, for new entrants into the labor force between 16 and 21 years of age, is set at 75 percent of the adult minimum wage. The adult minimum wage of \$9.87 (22.96 kina) per week does not provide a decent standard of living for a worker and family who live solely on the cash economy. During the year, the Minimum Wage Board recommended a large increase in the minimum wage, but the Government blocked the increase, and no increase was implemented. Although the Department of Labor and Employment and the courts attempt to enforce the minimum wage law, enforcement is not effective due to a lack of resources. Minimum wage levels, allowances, rest periods, holiday leave, and overtime are regulated by law. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas. The law provides for at least one rest period of 24 consecutive hours every week; however, enforcement is lax.

Enforcement of the Industrial Health and Safety Law and related regulations is the responsibility of the Department of Labor and Employment. The law requires that work sites be inspected on a regular basis; however, due to a shortage of inspectors, inspections take place only when requested by workers or unions. Workers' ability to remove themselves from hazardous working conditions varies by workplace. Unionized workers have some measure of protection in such situations.

Legal foreign workers are protected by law. There are very few illegal foreign workers, and they lack full legal protection.

f. Trafficking in Persons

While the Constitution does not prohibit trafficking in persons, there is no evidence that persons were trafficked

to, from, or within the country. However, in 2000 and during the year, the Government investigated allegations of corruption among officials dealing with passport issuance and immigration. These allegations centered on the organized circumvention of immigration controls; however, there were no results from the investigations. Nevertheless there is concern that the country may be used as a route for the trafficking of illegal immigrants to Australia.